



No. 6/184/2018-4PR (FD)
Dated 28.02.2019

To

All Administrative Secretaries
to Government of Haryana

Subject: - LPA No. 2460 of 2017 in CWP No. 3922 of 2011- Narender Pal
Arya Vs State of Haryana. Filing of SLP

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Respected Sir

I have been directed to draw your kind attention towards the subject noted above. In this regard, it is informed that the Finance Department Instruction dated 9.4.2010 wherein it was clarified that if an employee's drawing pay in ACP scale at the time of his promotion shall not be given increment and only difference of Grade pay shall be allowed. These instructions came under adjudication before the Hon'ble Punjab & Haryana High court in CWP No. 3922 of 2011- Narender Pal Arya & Others V/s State of Haryana along-with other 51 number of connected cases. The Hon'ble High court quashed the above said instructions vide judgement dated 3.10.2016. ^{the} LPA No. 2460 of 2017 has also been dismissed on 31.07.2018. Government has filed SLP in Hon'ble Supreme Court vide diary no. 47523 of 2018, which was listed on 21.01.2019 and now to be listed again after four weeks. Now various COCPs, CWPs and Legal Notices are being filled by the petitioners / other employees which are coming on hearing in the Hon'ble Punjab & Haryana High Court.

Keeping in view the above circumstances AD is advised to tackle such cases in the following manner.

Sr. No.	Stage of the case	Action to be taken
1	Pending COCPs or forthcoming COCPs	Hon'ble High court may be prayed to grant short adjournment stating that the SLP filed by the State Government in the Hon'ble Supreme court was listed on 21.01.2019 and has been ordered to be list after four weeks.
2	Where CWPs have been decided with the order to decide Legal Notice	AD is advised to pass speaking order stating that State Government has filed an SLP in the Hon'ble Supreme Court. Which was listed on 21.01.2019 and has been ordered to be list after four weeks. At this advance stage of SLP, it will not be appropriate to grant the requisite benefit.



3	Where CWPs are pending before the Hon'ble High Court	AD is advised to pray before the Hon'ble High Court through O/o Ld. Advocate General, Haryana, to adjourn the case sine-die, stating that State Government has filed an SLP in the Hon'ble Supreme Court which was listed on 21.01.2019 and has been ordered to be list after four weeks.
4	Pending Legal Notice	AD is advised to inform the Counsel Concerned that State Government has filed an SLP in the Hon'ble Supreme Court which was listed on 21.01.2019 and has been ordered to be list after four weeks. At this advance stage of SLP, it will not be appropriate to grant the requisite benefit.

Above Submission may be brought to the notice of State Counsel O/o Ld. Advocate General, Haryana so that he may process accordingly before the Hon'ble Punjab & Haryana High Court during the hearing of the concerned case.

It may be treated most urgent.


Account Officer PR (FD)

For Additional Chief Secretary to Government of Haryana
Finance Department

Endst No. 6/184/2018-4PR (FD)

Dated, Chandigarh

A copy is forwarded to Ld. Advocate General, Haryana for information and necessary action.


Account Officer PR (FD)

For Additional Chief Secretary to Government of Haryana
Finance Department